

REMARKS

STATUS OF THE CLAIMS

Claims 1-10 are pending in the application.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahmad (U.S. Patent No. 5,925,127).

Claims 1-10 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this reply.

AHMAD

The claimed present invention's independent claims are 1, 6, 8, 9 and 10.

The parts of Ahmad cited by the Office Action fail to disclose or suggest the claimed present invention's, "**a function performance detecting** step for **detecting that a predetermined function of an application program** installed on the client was performed" (e.g., claim 1), as follows:

The Office Action in page 3 relies on Ahmad's Abstract, column 1, lines 60-65, column 2, lines 63-65, and column 11, lines 1-22, to reject the claimed present invention's "function performance detecting ... **detecting ... a ... function of an application program**" as recited in claim 1.

Ahmad's Abstract

The Office Action relies on Ahmad's Abstract for disclosing the claimed present invention's, "**function performance detecting** step." However, Ahmad's abstract is not relevant to the claimed present invention's, "function performance detecting step," because Ahmad's Abstract merely discusses "monitoring the use of a rented software program module" using a Software Monitor. However, the Abstract fails to disclose or suggest that Ahmad's Software Monitor provides the claimed present invention's, "**detecting that a predetermined function of an application program** installed on the client **was performed**," (e.g., claim 1). In other words, Ahmad fails to disclose or suggest the claimed present invention's, "**detecting ... a ... function of an application program**." Ahmad's Software Monitor does not monitor **a function** of the rented software program module.

Ahmad, Col. 1, lines 60-65

The cited part, Col. 1, lines 60-65 of Ahmad, merely discusses a rental period and extension of the rental period. Therefore, Ahmad, column 1, lines 60-65, fails to disclose or suggest the claimed present invention's, "***detecting that a predetermined function of an application program*** installed on the client ***was performed***," (e.g., claim 1). In other words, Ahmad fails to disclose or suggest the claimed present invention's, "***detecting ... a ... function of an application program.***"

More particularly, Ahmad in column 1, lines 60-65 discloses, "a software program module rental method and system that allow the rental service provider to rent a particular software program module for a set period and to prevent the renter/user of the program module from unauthorized extension of the rental period." However, Ahmad's "software program module" is not same as the claimed present invention's, "***function of an application program***," because in Ahmad, the phrase "software program module" is an application program, and not "***a ... function of an application program.***" An example of a ***function*** of an application program might be a "print" or a "display" function, as shown in FIG. 6 of the present Application. None of Ahmad's figures 1-5B contemplate the claimed present invention's, "***detecting ... a ... function of an application program***" (e.g., claim 1), as shown in an example FIG. 6 of the present Application. See, for example, the present Application, FIG. 6 and page 6, line 2 to page 7, line 19; page 10, lines 5-25; page 18, lines 13-20; and page 21, lines 11-16.

In contrast, for example, Ahmad, column 1, lines 12-16, discusses, "users of computers have quickly come to rely on a variety of software program modules to assist them in their daily work or play," suggesting that the phrase "software program module" is an application program and not a ***function*** of software. Also, Ahmad's FIGS. 3 and 4 clearly identify a program module 100, which is an application program, but not the claimed present invention's "***a ... function of an application program.***" Also, Ahmad's column 5, lines 16-31 clearly discusses, "monitoring a variety of ***program modules, such as application programs***, operating system modules, Internet browsers, etc." Therefore, Ahmad's "software program module" is not same as the claimed present invention's, "***function of an application program***," because in Ahmad, the phrase "software program module" is an application program, and not "***a ... function of an application program.***"

Ahmad, Col. 2, lines 63-65

The cited part, col. 2, lines 63-65 of Ahmad, merely discusses a timer to record the time of use of a computer program. Therefore, as discussed above, Ahmad, column 2, lines 63-65, fails to disclose or suggest the claimed present invention's, "***detecting that a predetermined function of an application program*** installed on the client ***was performed***," (e.g., claim 1). Clearly, in column 2, lines 63-65 of Ahmad, the description provides "tracking the use of ***a computer program***" (emphasis added), which differs from the claimed present invention's, "***detecting ... a ... function of an application program.***"

Ahmad, Col. 11, lines 1-22

The cited part, Col. 11, lines 1-13 of Ahmad, merely discusses the download of the program module 100, and the cited part, Col. 11, lines 14-22 merely discusses the prevention of the unauthorized use of the rented program 100. Therefore, as discussed above, Ahmad, column 11, lines 1-22, fails to disclose or suggest the claimed present invention's, "***detecting that a predetermined function of an application program*** installed on the client ***was performed***," (e.g., claim 1). Clearly, in column 11, lines 1-22 of Ahmad, the description provides "downloading the program module 100" and "the SM 140 must run constantly on the user's computer 20 during use of the rented program module 100 to prevent unauthorized use of the rented program module 100," which differs from the claimed present invention's, "***detecting ... a ... function of an application program.***"

Therefore, in contrast to Ahmad, the claimed present invention as recited in independent claims 1, 6, 8, 9 and 10, using claim 1 as an example, provides:

1. (ORIGINAL) An accounting method for imposing, by a server, a charge for using an application program installed on a client, the method comprising:
 - a function performance detecting step for detecting that a predetermined function of an application program*** installed on the client was performed;
 - a user specifying step for specifying a user who performed the predetermined function; and
 - an accounting step for ***imposing charges*** on a user specified by the user specifying step ***according to the frequency of performance detected by the function performance detecting*** step (emphasis added).

Further, according to the foregoing remarks, Ahmad's column 2, lines 55-65; column 2, lines 4-9; column 8, lines 54-64; column 9, lines 1-15; column 3, lines 1-19; column 5, lines 16-31; column 7, lines 1-17; and column 8, lines 41-67, fail to disclose or suggest the claimed present invention's, "**a function performance detecting step for detecting that a predetermined function of an application program installed on the client was performed; ... and an accounting step for imposing charges on a user specified by the user specifying step according to the frequency of performance detected by the function performance detecting step.**" For example, Ahmad, column 9, lines 1-15, discusses various charging methods according to use of software, but Ahmad fails to disclose or suggest the claimed present invention's charging according to use of a **function** of software by **detecting a function of software**, such as "file," "print," "display," "format," etc. software functions (i.e., "**detecting ... a ... function of an application program ... and ... imposing charges on a user specified by the user specifying step according to the frequency of performance detected by the function performance detecting**" - e.g., claim 1).


In view of the remarks, it is respectfully asserted that Ahmad does not anticipate claims 1-10. Withdrawal of the rejection of pending claims and allowance of the pending claims is respectfully requested.

CONCLUSION

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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Date: April 1, 2005

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